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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91206662
Party	Defendant Valhalla Motion Pictures, Inc.
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Submission	Answer
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Date	10/01/2012
Attachments	20121001 Answer to Opp.pdf (4 pages)(74743 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In Re: Serial No. 85/310,089

Applicant's Mark: VALHALLA ENTERTAINMENT

Published: April 24, 2012 in Class 41

VALHALLA GAME STUDIOS CO. LTD.,

Opposer;

v.

Opposition No. 91206662

VALHALLA MOTION PICTURES, INC.,

Applicant.

ANSWER TO NOTICE OF OPPOSITION

Pursuant to Federal Rule of Civil Procedure 8(b) and 37 C.F.R. 2.106, Applicant VALHALLA MOTION PICTURES, INC. ("Applicant") hereby answers the Notice of Opposition filed by Opposer VALHALLA GAME STUDIOS CO. LTD. ("Opposer") follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the Notice of Opposition and thus denies them.
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the Notice of Opposition and thus denies them.
3. Admitted.
4. Admitted.
5. Admitted.
6. Denied that there is no confusion between VALHALLA GAME STUDIOS, VALHALLA MOTION PICTURES, and VALHALLA TELEVISION and admitted that

VALHALLA ENTERTAINMENT and VALHALLA GAME STUDIOS are confusingly similar in sound, appearance, and commercial impression. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 6 of the Notice of Opposition and thus denies them.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7 of the Notice of Opposition and thus denies them.

8. Admitted that Applicant uses the VALHALLA ENTERTAINMENT mark without Opposer's consent and denies that any such consent or permission is required.

9. Admitted that Opposer's use of VALHALLA GAME STUDIOS and VALHALLA GAME STUDIOS (design) falsely suggests an association with Applicant Valhalla Motion Pictures, Inc., senior user of the VALHALLA brand, and is likely to cause confusion.

10. Denied. Opposer knowingly copied Applicant's brand name and is threatening to use its infringing mark in United States commerce.

AFFIRMATIVE DEFENSES

Applicant alleges as affirmative defenses as follows:

1. Opposer has failed to state a claim upon which relief can be granted.
2. Applicant and its predecessor-in-interest began using VALHALLA as the principal component of its brand in Class 41 years before Opposer filed any intent-to-use application to register any mark containing VALHALLA in any class. Applicant is informed and believes that Opposer has not yet begun commercial use of any VALHALLA mark in the United States commerce.

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WHEREFORE, Applicant requests that the Opposition be dismissed with prejudice and that registration of Applicant's VALHALLA ENTERTAINMENT mark be granted

Respectfully submitted,
GRACE+GRACE LLP

/s/ Pamela D. Deitchle

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Dated: October 1, 2012

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Valhalla Motion Pictures, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer to Notice of Opposition has been served on Applicant, by mailing said copy on October 1, 2012, via First Class Mail, postage prepaid to:

Marvin Gelfand
Weintraub Tobin Chediak Coleman Grodin
9665 Wilshire Blvd., Ninth Floor
Beverly Hills, CA 90212

/s/ Pamela D. Deitchle

Pamela D. Deitchle